

## **Attachment 2**

### **HOW TO FILE COMMENTS AND OBJECTIONS UNDER THE 218 OBJECTIONS RULE**

This project will be subject to the administrative review process due to direction contained in Section 428 of the consolidated Appropriations Act of 2012. The Department of Agriculture's final rule for the establishment of a pre-decisional administrative review process (36 CFR 218) was published in the Federal Register on March 27, 2013 (Volume 78, No. 59, pp.18481 to 18504); these regulations are effective immediately (<http://www.gpo.gov/fdsys/pkg/FR-2013-03-27/pdf/2013-06857.pdf>). This rule replaces the appeal process (36 CFR 215) with a pre-decisional administrative review process (also referred to as the objection process) for those project decisions made for environmental assessments and environmental impact statements.

The objection process also exists for projects planned under the Healthy Forest Restoration Act (HFRA). The final rule expands the agency's authority to use a pre-decisional objection process for non-HFRA projects, while continuing to be consistent with the notice and comment provisions of the Appeal Reform Act (Public law 102-381).

#### **Comment Process**

Only individuals or entities who submit timely and specific written comments regarding a proposed project or activity during any designated opportunity for public comment may file an objection. Opportunity for public comment on an EA includes during scoping or any other instance where the responsible official seeks written comments (36 CFR 218.5).

Specific written comments are defined by 36 CFR 218.2. This section says "Written comments are those submitted to the responsible official or designee during a designated opportunity for public participation (36 CFR 218.5(a)) provided for a proposed project. Written comments can include submission of transcriptions or other notes for oral statements or presentation. For the purposes of this rule, specific written comments should be within the scope of the proposed actions, have a direct relationship to the proposed action, and must include supporting reasons for the responsible official to consider."

#### ***Filing a comment (see 36 CFR 218.25)***

- It is the responsibility of all individuals and organizations to ensure that their comments are received in a timely manner. Written comments must be postmarked by the Postal Service, emailed, faxed, or otherwise submitted (for example, express delivery service) by 11:59 p.m. in the time zone of the receiving office on the 30th calendar day following publication of the legal notice (36 CFR 218.25 (4)(i)); or within 30 calendar days following the date at the top of cover letter if no legal is published.

- Hand-delivered comments must be time and date imprinted at the correct responsible official's office by the close of business on the 30<sup>th</sup> calendar day following publication of the legal notice, or within 30 calendar days following the date at the top of cover letter if no legal is published, for proposed projects or activities to be analyzed and documented in an EA (36 CFR 218.25 (4)(ii)).
- For emailed comments, the sender should normally receive an automated electronic acknowledgment from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgment of the receipt of the comments, it is the sender's responsibility to ensure timely receipt by other means (36 CFR 218.25 (4)(iii)).
- To be eligible to submit an objection (see 36 CFR 218.26) when the legal for an EA is released, individuals and entities must have provided the following during any designated comment period (see 36 CFR 218.25 (a)(3)):
  - Name and postal address (Email address in addition is recommended but not required). Title of the proposed project or activity.
  - Specific written comments as defined in 36 CFR 218.2 regarding the proposed project or activity, along with supporting reasons.
  - Signature or other verification of identity upon request and identification of the individual or entity who authored the comment(s). Note, for comments listing multiple entities or multiple individuals, a signature or other means of verification must be provided for the individual authorized to represent each entity and for each individual in the case of multiple names. A scanned signature or other means of verifying the identity of the individual or entity representative may be used for electronically submitted comments.